

U.S. Application No. 09/670,869  
Reply to Office Action dated August 2, 2006

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PATENT  
450100-02731

SEP 22 2006

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-3, 5-8, 10, 11 and 13 are pending. Claims 1, 6 and 11, which are independent, are amended. Support for the amendment is provided in the Specification, specifically on pages 14-16. No new matter has been introduced by this amendment. Claims 4, 9, 12 and 14-21 were previously canceled. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled.

**II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1-3 and 6-8 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,323,909 to Michener et al. (hereinafter, merely "Michener") in view of U.S. Patent No. 5,799,081 to Kim et al. (hereinafter, merely "Kim"), in view of U.S. Patent No. 6,366,731 to Na et al. (hereinafter, merely "Na") and further in view of U.S. Patent No. 6,769,128 to Knee et al. (hereinafter, merely "Knee").

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Claims 5, 10, 11 and 13 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Michener, in view of Kim, in further view of Na, in further view of Knee, and further in view of U.S. Patent No. 5,987,126 to Okuyama et al. (hereinafter, merely "Okuyama").

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"...judging means for judging whether said digital satellite broadcasting signal received by said signal receiving means is in the first broadcast signal format or in the second broadcast signal format.

wherein said judging means extracts said first broadcast signal or said second broadcast signal from said digital satellite broadcasting signal and scrambles said first broadcast signal or said second broadcast signal..." (emphasis added)

As understood by Applicant, Michener relates to a method and apparatus for transmitting high definition television (HDTV) programming using a digital satellite system transport.

As understood by Applicant, Kim relates to illegal view/copy protection for a digital broadcasting system.

As understood by Applicant, Na relates to a digital audio/video (A/V) apparatus, and more particularly, to a multi-media system in which a plurality of digital A/V apparatuses are connected to each other via a digital interface.

As understood by Applicant, Knee relates to an electronic program schedule system, which provides a user with schedule information for programs viewed by the user and the capability to access data feeds of one or more types of information.

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Applicant submits that Michener, Kim, Na and Knee, taken alone or in combination, fail to teach or suggest the features of claim 1. Specifically, Applicant submits that there is no teaching or suggestion of a signal receiving apparatus for receiving a digital satellite broadcasting signal containing at least one of a first broadcast signal in a first format and a second broadcast signal in a second format, comprising judging means for judging whether said digital satellite broadcasting signal received by said signal receiving means is in the first broadcast signal format or in the second broadcast signal format, wherein said judging means extracts said first broadcast signal or said second broadcast signal from said digital satellite broadcasting signal and scrambles said first broadcast signal or said second broadcast signal, as recited in claim 1.

Furthermore, Applicant submits that the combination of Michener, Kim, Na and Knee is a result of impermissible hindsight reconstruction of the claimed invention using the Applicant's claim as a template and selecting elements from references to fill in the gaps.

None of the other references mentioned in the Office Action provide the aforementioned disclosure of claim 1 and, since the references cited were combined piecemeal, without any suggestion or motivation for their combination, independent claim 1 is believed to be allowable.

Therefore, Applicant submits that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6 and 11 are also believed to be patentable.

Therefore, Applicant submits that independent claims 1, 6 and 11 are patentable.

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#### IV. DEPENDENT CLAIMS

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

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